

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:	)	
	)	
INTERBANK FUNDING CORP., <i>et al.</i> ,	)	Chapter 11
	)	
Debtors.	)	Case No. 02-41590 (BRL)
	)	(Jointly Administered)
	)	
IBF FUND LIQUIDATING LLC,	)	
	)	
Plaintiff,	)	
	)	
-against-	)	Adv. Pro. No. 07-01482 (BRL)
	)	
CHADMOORE WIRELESS GROUP, INC.,	)	
CHADMOORE SHAREHOLDER	)	
LIQUIDATING TRUST, ROBERT MOORE,	)	
	)	
Defendants.	)	
ROBERT MOORE,	)	
	)	
Third-Party Plaintiff,	)	
	)	
-against-	)	
	)	
KAYE SCHOLER LLP, ARTHUR J.	)	
STEINBERG, TODD SANDERS, SUNSET	)	
HOLDINGS INTERNATIONAL, LTD.,	)	
DEVENSHIRE MANAGEMENT	)	
CORPORATION, SH PARTNERSHIP	)	
INVESTMENTS, L.P., THE ST. IVES	)	
QUALIFIED PERSONAL RESIDENCE TRUST,	)	
and VOKEY LLC,	)	
	)	
Third-Party Defendants.	)	

**DESIGNATION OF ITEMS FOR RECORD ON APPEAL AND  
STATEMENT OF ISSUES ON APPEAL BY APPELLANT ROBERT MOORE**

Pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure, Defendant-Appellant Robert Moore (“Moore”), by and through his undersigned attorneys, hereby designate the items to be included in the record and set forth the statement of issues on its appeal to the United States District Court for the Southern District of New York, which final judgment was set forth by the United States

Bankruptcy Court for the Southern District of New York collectively in the following documents: (1) the Judgment entered October 9, 2007 (Document Number: 185); (2) the Final Judgment entered October 9, 2007 (Document Number: 188); and (3) the Judgment entered October 18, 2007 (Document Number: 191). Separate Notices of Appeal were filed for each of the three aforementioned judgments. The first two Notices of Appeal were filed on October 16, 2007, and the third was filed on October 22, 2007. In the interest of economy, this Designation of Items and Statement of Issues pertains to all three Appeals.

**I. DESIGNATION OF THE ITEMS TO BE INCLUDED IN THE RECORD OF APPEAL**

<b><u>DOC. NO.</u></b>	<b><u>DATE</u></b>	<b><u>DESCRIPTION</u></b>
1	02/14/2007	Complaint
2	02/14/2007	IBF Motion for Preliminary Injunction(with Proposed Order and Notice)
9	03/01/2007	Motion of Radusch to Dismiss Adversary Proceeding for Lack of Jurisdiction(and Proposed Order)
10	03/01/2007	Motion of Radusch to Dismiss Adversary Proceeding for Improper Venue(and Proposed Order)
11	03/01/2007	Motion of Radusch to Dismiss Adversary Proceeding for Plaintiff's Failure to Properly Plead(and Proposed Order)
12	03/01/2007	Motion to Dismiss Adversary Proceeding
13	03/01/2007	Stephen Radusch's Objection to Motion and Memorandum in Opposition to Plaintiff's Motion for Preliminary Injunction(and Proposed Order)
14	03/01/2007	Moore's Objection to IBF'S Motion for Preliminary Injunction
23	03/16/2007	Memorandum of Law in Support of Defendant Robert Moore's Motion to Dismiss the Complaint(with Proposed Order and Notice)
24	03/19/2007	Request for Judicial Notice
26	03/19/2007	Amended Notice of Motion to Dismiss the Complaint
39	04/16/2007	IBF Memorandum of Law Opposing Radusch's Motion to Dismiss
40	04/16/2007	IBF Memorandum of Law Opposing Moore's Motion to Dismiss
41	04/16/2007	IBF Memorandum of Law Responding to Objections for Preliminary Injunction
43	04/19/2007	Affidavit
45	04/20/2007	Reply Memo of Law in Support of Robert Moore Motion

		to Dismiss
48	04/26/2007	Preliminary Injunction Order
51	05/07/2007	Answer of Stephen Radusch with Cross Claim
53	05/08/2007	Notice of Compliance with Preliminary Injunction by Radusch
54	05/08/2007	Defendant Robert Moore's Answer and Jury Demand
55	05/08/2007	Accounting of Robert Moore
56	05/08/2007	Notice Pursuant to Preliminary Injunction Order
57	05/14/2007	Motion for Sanctions
58	05/14/2007	Order to Show Cause
61	05/11/2007	Transcript
62	05/16/2007	So Ordered Stipulation
63	05/17/2007	Third Party Complaint
64	05/18/2007	Letter
65	05/18/2007	Statement of Undisputed Fact
67	05/18/2007	Notice of Motion of Defendant Robert Moroe (A) To Dismiss the Claims Against him Pursuant to Bankruptcy Rule 7012 and Rule 12(b)1, (B) For Relief from Order Pursuant to Bankruptcy Rule 9024 and Rule 60(b)(4), and (C) To Modify Order Pursuant To Bankruptcy Rule 7065 and Rule 65.
68	05/18/2007	Memorandum of Law of Defendant Robert Moore (A) To Dismiss the Claims Against him Pursuant to Bankruptcy Rule 7012 and Rule 12(b)1, (B) For Relief from Order Pursuant to Bankruptcy Rule 9024 and Rule 60(b)(4), and (C) To Modify Order Pursuant To Bankruptcy Rule 7065 and Rule 65.
69	05/18/2007	Declaration of JJB in Support of Motion of Defendant Robert Moore (A) To Dismiss the Claims Against him Pursuant to Bankruptcy Rule 7012 and Rule 12(b)1, (B) For Relief from Order Pursuant to Bankruptcy Rule 9024 and Rule 60(b)(4), and (C) To Modify Order Pursuant To Bankruptcy Rule 7065 and Rule 65.
70	05/22/2007	Objection of Defendant Robert Moore To Application For (I) Civil Contempt Order, (II) Shortened Notice and (III) Sanctions and Certain Related Relief
71	05/22/2007	Declaration of Defendant Robert Moore in Support of His Objection to Application For (I) Civil Contempt Order,(II) Shortened Notice and (III) Sanctions and Certain Related Relief
72	05/22/2007	Declaration of JJB in Support of Robert Moore's Objection to Application for (I) Civil Contempt Order, (II) Shortened Notice, and (III) Sanctions and Certain Related Relief
73	05/22/2007	Opposition of Stephen K. Radusch in Response to Fund LLC's Application for Civil Contempt

74	05/22/2007	Affidavit of Stephen K. Radusch in Response to Fund LLC's Application for Civil Contempt
76	05/22/2007	Reply in Support of Contempt Relief Against Moore and Preliminary Response to Moore's Motion to Dismiss for Lack of Subject Matter Jurisdiction
78	05/25/2007	Chadmoore's Answer and Cross-Claim against Robert Moore and Stephen Radusch
80	05/30/2007	Robert Moore's Amended Answer and Jury Demand
81	05/30/2007	Contempt Order
83	06/01/2007	Chadmoore's Amended Answer and Cross-Claims Against Robert Moore and Stephen Radusch
86	06/05/2007	Moore's Amended Third- Party Complaint
89	06/07/2007	Motion to Extend Time
90	06/07/2007	Declaration of J. Joseph Bainton
91	06/08/2007	Order granting an Enlargement of Time
92	06/13/2007	Notice of Motion For Partial Summary Judgment Against ROBERT MOORE
93	06/13/2007	Memorandum of Law In Support Of IBF FUND LLC's Motion For Partial Summary Judgment Against ROBERT MOORE
94	06/13/2007	Statement of Undisputed Fact
96	06/13/2007	Affidavit of Robert Moore in Suport of Sumary Judgment Motion
97	06/13/2007	Declaration of J. Joseph Bainton
98	06/13/2007	Memorandum of Law In Support of Motion of Defendant ROBERT MOORE for Summary Judgment On All of Plaintiff's Claims Pursuant To Bankruptcy Rule 7056 and Rule 56
101	06/21/2007	Answer of Stephen RADUSCH to CHADMOORE
103	06/21/2007	Robert Moore's Answer to Cross-claim of Stephen Radusch
104	06/21/2007	Robert Moore's Answer to Cross-claim of Chadmoore
106	06/22/2007	Order Extending Time to Answer or Otherwise Plead
107	06/25/2007	Chadmoore Notice of Motion (against Robert Moore and Stephen Radusch)
108	06/25/2007	Chadmoore's Memorandum of Law for Summary Judgment against Robert Moore and Stephen Radusch
109	06/25/2007	Chadmoore's Statement of Undisputed Facts (Robert Moore and Stephen Radusch)
110	06/25/2007	Chadmoore Notice of Motion (against IBF)
111	06/25/2007	Chadmoore's Memorandum of Law for Summary Judgment against IBF FUND
112	06/25/2007	Chadmoore's Statement of Undisputed Facts (IBF)
113	06/20/2007	Transcript
114	06/14/2007	Statement

115	06/14/2007	Statement
116	06/28/2007	Motion of Defendant Moore to Alter or Amend Order
119	07/02/2007	Statement of Disputed Material Facts in Response to IBF
120	07/02/2007	Opposition Brief of Defendant Moore in Response to Plaintiff IBF Fund LLC's Motion for Partial Summary Judgment
121	07/02/2007	Declaration of J. Joseph Bainton
125	07/03/2007	Counter Statement of Stephen Radusch in Response to IBF FUND LLC's Statement Pursuant to Local Bankruptcy Rule 7056-1
126	07/03/2007	Statement of No Position by Defendant Stephen Radusch in Response to Fund LLC's Motion for Partial Summary Judgment
127	07/03/2007	Affidavit
129	07/03/2007	IBF FUND LLC's Memorandum of Law in Opposition to MOORE's Motion for Summary Judgment and in Support of Cross Motion for Summary Judgment
130	07/03/2007	IBF FUND LLC's Counterstatement of Undisputed Fact (ROBERT MOORE)
132	07/03/2007	IBF FUND LLC's Memorandum of Law in Opposition to CHADMOORE's Motion for Summary Judgment and In Support of its Cross-Motion for Summary Judgment
133	07/03/2007	IBF FUND LLC's Counterstatement of Undisputed Fact (CHADMOORE)
134	07/03/2007	Memorandum of Law of ROBERT MOORE in Opposition to Motion for Summary Judgment of CHADMOORE
135	07/03/2007	Declaration of J. Joseph Bainton in Opposition to Motion for Summary Judgment of CHADMOORE
136	07/03/2007	Counterstatement of Undisputed Fact in Response to CHADMOORE
139	07/13/2007	IBF FUND LLC's Memorandum of Law in Opposition to MOORE's Motion to Alter or Amend Contempt Order
141	07/16/2007	CHADMOORE's Memorandum of Law in Reply to ROBERT MOORE's Objection to CHADMOORE's Application for Summary Judgment
142	07/16/2007	CHADMOORE's Memorandum of Law in Support of it's Motion for Summary Judgment against IBF FUND LLC's Cross-Motion for Summary Judgment against Chadmoore
143	07/16/2007	Reply Memorandum of Law in Further Support of IBF FUND LLC's Motion for Summary Judgment against Defendant ROBERT MOORE
144	07/16/2007	Memorandum of Law of STEPHEN RADUSCH in Opposition to CHADMOORE's Motion for Summary Judgment on Cross-claims
145	07/16/2007	Counterstatement of Stephen Radusch in Response to CHADMOORE Statement Pursuant to 7056-1

146	07/16/2007	Counterstatement of Undisputed Fact by Defendant ROBERT MOORE
147	07/16/2007	Memorandum of Law of ROBERT MOORE in Opposition to IBF FUND LLC's Cross-Motion for Summary Judgment and Reply Memorandum of Law in Support of His Motion for Summary Judgment
153	07/17/2007	Reply in Support of Defendant ROBERT MOORE's Motion to Alter or Amend Order
155	07/19/2007	Order Denying Motion to Alter or Amend Contempt Order
156	07/19/2007	IBF Reply Memorandum of Law in Further Support of Its Cross-Motion for Summary Judgment against Defendant ROBERT MOORE
157	07/19/2007	IBF Reply Memorandum of Law in Further Support of Its Cross-Motion for Summary Judgment against Defendant CHADMOORE
160	07/23/2007	CHADMOORE's Reply Memorandum in Further Support of It's Motion for Summary Judgment against STEPHEN RADUSCH
163	08/22/2007	Notice of Hearing and Motion For Order Authorizing And Approving Compromise With CHADMOORE
166	09/05/2007	Notice of Hearing Regarding Motion for Order Authorizing And Approving Compromise with RADUSCH
168	09/11/2007	Statement In Further Support Of Request For An Order Adjudging MOORE In Contempt And Imposing Sanctions
170	09/12/2007	Declaration of ROBERT MOORE in Opposition to Statement of IBF FUND in Support of Request for an Order of Contempt and the Imposition of Sanctions
172	09/18/2007	Further Contempt Order
173	09/18/2007	Order Authorizing and Approving Compromise With CHADMOORE
174	09/28/2007	Letter
176	09/28/2007	Response of BAINTON MCCARTHY LLC to Paragraph 6 of this Court's "Further Contempt Order" dated September 18, 2007
177	09/28/2007	Response of MICHELMAN & ROBNISON LLP to Further Contempt Order dated September 18, 2007
178	09/28/2007	Declaration of Sanford Michelman in Support of Response of Michelman & Robinson LLP
179	09/28/2007	Declaration of ROBERT MOORE in Support of Response of Michelman & Robinson LLP
181	10/02/2007	Order Authorizing and Approving Compromise with RADUSCH
182	10/02/2007	Third Contempt Order

183	10/03/2007	Order Granting Fees and Costs to IBF FUND in Connection with IBF FUND Preparation and Prosecution of Application for an Order to Show Cause Why MOORE Should Not Be Adjudged in Civil Contempt
184	10/03/2007	Memorandum Decision Determining Motions and Cross Motions for Summary Judgment
185	10/09/2007	Judgment
186	10/09/2007	Order Granting Final Judgment
187	10/09/2007	Amended Order Granting Final Judgment
188	10/09/2007	Final Judgment
189	10/16/2007	Moore's Notice of Appeal of Doc. No.: 185
190	10/16/2007	Moore's Notice of Appeal of Doc. No.: 188
191	10/18/2007	Judgment
192	10/19/2007	Cross Appeal of IBF
193	10/22/2007	Moore's Notice of Appeal of Doc. No.: 191

## II. STATEMENT OF THE ISSUES TO BE PRESENTED

1. Whether the Bankruptcy Court erred by failing to determine Moore's Motion challenging its subject matter jurisdiction before considering the competing motions for summary judgment.
2. Whether the Bankruptcy Court erred in holding that it has jurisdiction over the subject matter of this action.
3. Whether the Bankruptcy Court erred in holding that Moore can be liable to Fund LLC for signing a document that Fund LLC knew was unenforceable.
4. Whether the Bankruptcy Court erred by denying Moore any pre-trial discovery.
5. Whether the Bankruptcy Court erred, and abused its discretion in not allowing the Third Party Claim of indemnification to proceed.
6. Whether the Bankruptcy Court erred in finding Moore in contempt when the findings were based upon speculation of counsel, not admissible evidence.
7. Whether the Bankruptcy Court erred, abused its discretion, and violated Rule 1 of the Federal Rules of Civil Procedure, by permitting so much satellite litigation while preventing an early and efficient trial on the merits.
8. Whether the Bankruptcy Court erred in entering a Preliminary Injunction that was in all practical effect an Order of Attachment.

Dated: November 14, 2007

Respectfully submitted,

By: \_\_\_\_/s/ J. Joseph Bainton\_\_\_\_\_

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